

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)

THIS DOCUMENT RELATES TO:

*United States ex rel. Linnette Sun and
Greg Hamilton, Relators*

v.
Baxter Healthcare Corporation

) Judge Patti B. Saris
)
)
)

**BAXTER HEALTHCARE CORPORATION'S CONSENTED TO
MOTION FOR LEAVE TO FILE A RESPONSE IN FURTHER SUPPORT OF ITS
OPPOSITION TO RELATORS' MOTION FOR RECONSIDERATION**

Pursuant to Rule 7.1(b)(3) of the Local Rules for the District of Massachusetts, Defendant Baxter Healthcare Corporation ("Baxter") seeks leave of the Court to file a Response in Further Support of its Opposition to Relators' Motion for Reconsideration in order to specifically address the United States' recently-filed Statement (Sun Doc. No. 166). Counsel for Baxter has conferred with counsel for Relators Sun and Hamilton, and they have consented to the Motion.

Relevant Facts

On February 16, 2012, Relators filed a Motion for Reconsideration of this Court's January 26, 2012 summary judgment ruling granting Defendant's Motion for Partial Summary Judgment. (Sun Doc. No. 159.)

On February 22, 2012, Baxter filed its Opposition to Relators' Motion for Reconsideration. (Sun Doc. No. 161.)

On February 24, 2012, the Court ordered the United States to “inform the Court in two weeks whether it seeks to take a position on the statutory claim that the relators had a statutory right to notice of settlement of its claim and a right to be heard.”

On February 27, 2012, Relators filed a Motion for Leave to File a Reply Brief along with their Reply Brief. (Sun Doc. No. 163.) The Court granted Relators’ Motion for Leave on February 28, 2012.

On March 9, 2012, the United States filed its Statement in Response to the Court’s February 24, 2012 order. (Sun Doc. No. 166)

Relief Requested

Baxter seeks leave to file a Response on or before March 23, 2012, in order to respond to the United States’ March 9, 2012 Statement, and requests that the Court not rule on Relators’ Motion for Reconsideration until Baxter has had an opportunity to do so.

Respectfully submitted,

Dated: March 9, 2012

/s/ Tina D. Reynolds

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LOCAL RULE 7.1 CERTIFICATION

I certify that counsel for Baxter has conferred with counsel for Relators Sun and Hamilton, and they have consented to this Motion.

CERTIFICATE OF SERVICE

I hereby certify that I, Tina D. Reynolds, an attorney, electronically filed the foregoing BAXTER HEALTHCARE CORPORATION'S CONSENTED TO MOTION FOR LEAVE TO FILE A RESPONSE IN FURTHER SUPPORT OF ITS OPPOSITION TO RELATORS' MOTION FOR RECONSIDERATION with the Clerk of the Court for the District of Massachusetts using the Court's CM/ECF system on March 9, 2012. I also caused a true and correct copy of the foregoing document to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, for posting and notification to all parties.

/s/ Tina D. Reynolds
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